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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,295	04/27/2004	David Armes	03292.101980	3294
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FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LY, CHEYNE D	
			ART UNIT 2168	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,295	Applicant(s) ARMES ET AL.	
	Examiner CHEYNE D. LY	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants' arguments filed April 08, 2008 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
2. Claims 1-26 are examined on the merits.

REMARKS

3. On page 9, Applicant argues the new limitation of "file conversion" as defined by the Microsoft Press Computer Dictionary 3rd Edition (Microsoft) overcomes the Chu patent because file conversion transforms data in a from one format to another *without altering its contents*. Applicant's argument is not persuasive because Microsoft does not define "file conversion" (*without altering its contents*) as argued by Applicant.
4. As for the limitations recited in the claims, Chu describes the claimed invention as presented because Chu describes an application protocol decrypts a file to the recipient's computer. The client software may decompress, restore, and install the package or file for the recipient (page 3, [0058]). As defined by Microsoft, decryption is a process of restoring encrypted data to its original form (page 137).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New matter.

7. Claim 1, line 6, recites "perform file conversions" wherein the specification the new limitation has not been found. It is noted that Applicant has defined the new limitation in the REMARKS section on page 9 to be distinct from the disclosed limitation of "reformat." Therefore, the disclosure of "reformat" throughout the specification does not provide written basis support for the new limitation as defined by Applicant. Claims 2-26 are rejected for having the same issue.

CLAIM REJECTIONS - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Chu et al.

(2002/0049853 A1) (Chu hereafter).

CLAIM INTERPRETATIONS

10. The limitation of "agent" has been attributed with the customary and ordinary meaning of "a process that mediates between the client and the server" in client/server applications (Microsoft Press Computer Dictionary, 3rd edition, page 16).

PRIOR ART

11. In regard to claim 1, Chu discloses a system to facilitate movement of electronic files comprising:

12. A file transfer services component configured to at least one of transmit and receive a file request, said file transfer services component configured to communicate with a centralized file management hub (page 1, [0009], especially, “transferring a file...from the DAD server...”);

13. A file transformation component configured to perform file conversions (page 3, [0058], e.g. decrypt file...decompress, restore), validate and enrich file content using enterprise logic (page 3, [0054], especially, “file compression, archiving,...encryption...”, page 8, [0106]-[0107], especially, “If valid data is read...” and [0108]);

14. A centralized file management hub configured to communicate with a messaging infrastructure (page 1, [0014], especially, “a digital asset distribution (DAD) server...”); and,

15. A messaging infrastructure component configured to facilitate workflow management of said files through said system (page 1, [0011], especially, “issuing first instructions...”).

16. In regard to claim 2, Chu discloses said centralized file management hub includes:

A file tracking and monitoring component configured to provide end-to-end tracking of a file (page 1, [0013], especially, “a tracking component...”, and page 3, [0052], especially, “monitor...”) and role based multilayered tracking information of a file (page 6, [0083], especially, “multiple user levels...administrator and sub-users”);

A parameter and configuration management component configured to provide a gateway to at least one of store and retrieve configuration information (page 4, [0061], especially,

“...server site URL provides the universal uniqueness to the PID...assist the server-to-server transfer...download records may be added into the database”; and,

A file routing and workflow component configured to route a file through a network and provide routing information to file transfer nodes to facilitate at least one of routing and scheduling of a file transfer (page 4, [0062]-[0063], especially, “address book...Sender File Names (24) and Location (25)...”).

17. In regard to claim 3, Chu discloses the centralized file management hub further includes a parameter and configuration management component, wherein said parameter and configuration management component includes...file transfer routing information....(page 4, [0062]-[0063], especially, “address book...Sender File Names (24) and Location (25)...”).

18. In regard to claim 4, Chu discloses display tracking information (page 4, [0064], especially, “interface...Tracking (TRACE)”).

19. In regard to claim 5, Chu discloses a manager interface configured to at least one of receive configuration information and display tracking information (page 4, [0064], especially, “interface...Tracking (TRACE)”), wherein said configuration information includes at least one of client authentication....(page 3, [0051], especially, “sender input a unique username and password...”)....and wherein said tracking information includes a workflow task outcome (page 4, [0064] to page 6, [0084]), Figure 3 in its entirety exemplifies a workflow task outcome).

20. In regard to claim 6, Chu discloses the file transfer services component includes:

21. One file transfer agent (Figure 5 wherein the server components have been interpreted as “agents” as defined by the Microsoft dictionary);

22. A file transfer application server...(Figure 5, especially, “Server” and “Remote Server”);

23. User interface...(page 4, [0064]).

24. In regard to claims 7 and 8, Chu discloses a user interface...(page 4, [0064]-[0065], especially, “Client Browser screen components...send client software embedded in HTML...”).

25. In regard to claims 9 and 10, Chu discloses a file transformation component is further configured to apply a transformation map to said file (page 7, [0097], especially, “sender has the option to cancel a lengthy upload and resume upload at a later time...the program will resume uploading portion of the file and so indicate in the restart offset...” and page 8, [0114], especially, “support partial file transfer...receive command requesting...”). The disclosure cited above is consistent the exemplary description of “a transformation map” in the instant specification (paragraph [0025]).

26. In regard to claim 11, Chu discloses one file transfer agent is further configured to notify said central file management hub of workflow events (page 7, [0103], especially, “delivery of the download notification to the primary DAD server”).

27. In regard to claims 12-26, Chu discloses a method (claim 1) implemented in the above-cited system. Further, Chu discloses a validation step (page 8, [0106]-[0107], especially, “If valid data is read...”). Specific to claims 22 and 23, the limitation of “business rules...” has been interpreted reasonably broad because the instant specification does not explicitly define said limitation. The invention described by Chu is directed to end-to-end secure file transfer method and system as directed to “reports, articles, advertisements,...spreadsheets (page 1, [0005]). The cited method and system have been interpreted as being directed to business

application; therefore, would achieve the same expected results as the claimed method in regard to the limitation of "business rules."

CONCLUSION

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30.

31. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants

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of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

32. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/
Primary Examiner, Art Unit 2168